

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

SHAYNE BERTELSEN,

Petitioner,

vs.

ATTORNEY GENERAL OF THE
STATE OF MONTANA,

Respondent.

CV 20-39-GF-BMM-JTJ

**ORDER ADOPTING MAGISTRATE
JUDGE’S FINDINGS AND
RECOMMENDATIONS**

Petitioner Shayne Bertelsen (“Bertelsen”) filed documents seeking a writ of habeas corpus. (Doc. 1.) United States Magistrate Judge John T. Johnston issued Findings and Recommendations on June 17, 2020. (Doc. 5.) Judge Johnston recommends that the Court dismiss Bertelsen’s petition for having failed to exhaust his administrative remedies. (Doc. 5 at 6.) Bertelsen filed an objection to Judge Johnston’s Findings and Recommendations on June 29, 2020. (Doc. 7.)

The Court reviews de novo those Findings and Recommendations to which a party properly objected. 28 U.S.C. § 636(b)(1). A proper objection requires more than a generalized objection to the magistrate judge’s Findings and

Recommendations. *Alcantara v. McEwen*, 2013 WL 4517861, *1, 2013 U.S. Dist. LEXIS 116055 (S.D. Cal.). The Court reviews for clear error the portions of the Findings and Recommendations to which the party did not specifically object. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). This standard applies even where the plaintiff proceeds *pro se*. *Alcantara*, 2013 WL 4517861 at *3.

Bertelsen objects to Judge Johnston's Findings and Recommendations. (Doc. 7.) Bertelsen merely raises generalized objections. His objections do not identify with specificity any error the Magistrate Judge may have made. The Court finds no specific objections and reviewed Judge Johnston's Findings and Recommendations for clear error. The Court finds no error.

Accordingly, **IT IS ORDERED** as follows:

1. Judge Johnston's Findings and Recommendations (Doc. 5) are **ADOPTED IN FULL**.
2. Petitioner's Petition is **DISMISSED** (Doc. 1) as unexhausted.

The Clerk of Court is directed to close this matter and enter judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.

The Clerk of Court is directed to have the docket reflect that the Court certifies pursuant to Rule 24(a)(3)(A) of the Federal Rules of Appellate Procedure

that any appeal of this decision would not be taken in good faith. No reasonable person could suppose an appeal would have merit. The record makes plain the Complaint lacks arguable substance in law or fact.

DATED this 29th day of June, 2020.

A handwritten signature in blue ink, reading "Brian Morris". The signature is written in a cursive, flowing style.

Brian Morris, Chief District Judge
United States District Court